

The Gazette



of India

PUBLISHED BY AUTHORITY

No. 23] NEW DELHI, SATURDAY, JUNE 8, 1963/JYAISTHA 18, 1885

NOTICE

The undermentioned *Gazettes of India Extraordinary* were published upto the 27th May, 1963:—

Issue No.	No. and date	Issued by	Subject
72	No. 37-1/V/63/T, dated 23rd May, 1963.	Lok Sabha Secretariat.	Summoning the Lok Sabha to meet at New Delhi, on Tuesday, the 18th August, 1963 at 11 A.M.
73	No. RS. 1/3/63-L, dated 27th May, 1963.	Rajya Sabha Secretariat.	Sommoning the Rajya Sabha to meet at New Delhi, on Tuesday, the 13th August, 1963 at 11 A.M.

Copies of the *Gazettes Extraordinary* mentioned above will be supplied on Indent to the Manager of Publications, Civil Lines Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these *Gazettes*.

CONTENTS

	PAGES		PAGES
PART I—SECTION 1.—Notifications relating to Non-Statutory Rules, Regulations and Orders and Resolutions issued by the Ministries of the Governments of India (other than the Ministry of Defence) and by the Supreme Court	229	PART II—SECTION 3.—SUB-SECTION (ii)—Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories)	174I
PART I—SECTION 2.—Notifications regarding Appointments, Promotions, Leave etc. of Government Officers issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Supreme Court	233	PART II—SECTION 4.—Statutory Rules and Orders notified by the Ministry of Defence	139
PART I—SECTION 3.—Notifications relating to Non-Statutory Rules, Regulations, Orders and Resolutions, issued by the Ministry of Defence	Nil	PART III—SECTION 1.—Notifications issued by the Auditor General, Union Public Service Commission, Railway Administration, High Courts and the Attached and Subordinate Offices of the Government of India (<i>Published at Simla</i>)	545
PART I—SECTION 4.—Notifications regarding Appointments, Promotions, Leave etc. of Officers, issued by the Ministry of Defence	193	PART III—SECTION 2.—Notifications and Notices issued by the Patent Office, Calcutta (<i>Published at Simla</i>)	23I
PART II—SECTION 1.—Acts, Ordinances and Regulations,	Nil	PART III—SECTION 3.—Notifications issued by or under the authority of Chief Commissioners (<i>Published at Simla</i>)	7I
PART II—SECTION 2.—Bills and Reports of Select Committees on Bills	Nil	PART III—SECTION 4.—Miscellaneous Notifications including notifications, orders, advertisements and notices issued by Statutory Bodies (<i>Published at Simla</i>)	229
PART II—SECTION 3.—SUB-SECTION (i)—General Statutory Rules (including orders, bye-laws, etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories)	1063	PART IV—Advertisements and Notices by Private individuals and Private bodies (<i>Published at Simla</i>)	69
		SUPPLEMENT No. 22—	
		Births and Deaths from Principal diseases in towns with a population of 30,000 and over in India during week ending 11th May, 1963	4II

PART I—Section 1

**Notifications relating to Non-Statutory Rules, Regulations and Orders and Resolutions issued
by the Ministries of the Government of India (other than the Ministry of Defence) and by
the Supreme Court**

MINISTRY OF HOME AFFAIRS*New Delhi, the 30th May 1963*

No. 1/2/63-AN.—The President is pleased to nominate Rani Lakshmi of Nancowry to the Advisory Committee in respect of the Union Territory of Andaman and Nicobar Islands associated with the Chief Commissioner of the Islands in place of Rani Chhanga of Katchall, who has been nominated to the Home Minister's Advisory Committee.

The term of Rani Lakshmi will expire on the 31st March, 1964.

A. D. PANDE, Joint Secy.

MINISTRY OF FINANCE**(Communications Division)***New Delhi, the 28th May 1963*

No. 2672-PTI/63.—The President hereby directs that with effect from the 1st June, 1963, the following further amendments shall be made in the Post Office Savings Bank Rules, 1881, namely:—

In the said Rules,—

(i) in sub-rule (2) of rule 23, the last sentence shall be omitted;

(ii) below sub-rule (2) of rule 23, the following exception shall be inserted, namely:—

"Exception. This facility shall not be available at the head offices and sub-offices for which ledgers are maintained officewise in the head office, except in cases where the salaries of teachers and other employees of the Department of Education are to be deposited by the educational authorities at a head office in accounts standing at a sub-office, or as the case may be, at a branch office, subordinate to it."

C. B. GULATI, Dy. Secy.

MINISTRY OF FOOD AND AGRICULTURE**(Department of Agriculture)***New Delhi, the 25th May 1963*

No. 26-13/63-FD.—The Government of India have decided to make the following further amendment in the Ministry of Food & Agriculture (Department of Agriculture) Resolution No. 5-21/59-FII dated the 22nd November, 1960 published in the Gazette of India, December 3, 1960.

In para 4 after the entry "(i) Chairman-Minister of Food and Agriculture", the following entry shall be inserted, viz., (1A) "Senior Vice-Chairman-Minister for Agriculture".

V. D. GANGAL, Dy. Secy.

(Department of Agriculture)*New Delhi, the 30th May 1963*

No. 7-7/63-LD.—In terms of Rule V(2) of the Rules and Regulations of the Central Council of Gosamvardhana, the Government of India are pleased to nominate Shri I. J. Naidu, Joint Secretary in the Ministry of Food and Agriculture (Department of Agriculture) as Vice-President of the Council vice Shri Amcer Raza, Joint Secretary in the Ministry of Food and Agriculture, until further orders.

New Delhi, the 31st May 1963

No. 7-6/63-LD.—In pursuance of the Provision of bye-law XII(4) of the Bye-laws of the Central Council of Gosamvardhana, the Government of India are pleased to publish the account of the receipts and payments of the Central Council of Gosamvardhana for the financial year 1961-62 together with the Auditor's report thereon, for general information.

CENTRAL COUNCIL OF GOSAMVARDHANA*Receipts and Payments for the year 1961-62*

Opening Balance and Receipts			Expenditure and Closing Balance	
1. Opening Balance			A. Administration :	
i. In the current Account with the State Bank of India	9,334.21		1. Pay of Officers	22,570.49
ii. In Cash with the Secretary	200.00	9,534.21	2. Pay of Establishment	42,593.20
2. Monies received from the State Government and the Govt. of India as grants :			3. Leave Salary & Pension Contribution	4,671.33
i. Government of India	5,44,000.00	5,44,000.00	4. Provident Fund Contribution & Gratuity	5,453.77
3. Other monies received by the Society			5. Allowances and Honoraria	
i. Recovery of deposits and advances refundable	4,136.00	4,136.00	a. Travelling Allowance	13,687.18
ii. Advertisements and sale of Gosamvardhana Journal			b. Dearness Allowance	3,209.18
a. Advertisement	2,952.51	2,952.51	c. House Rent and other Allowances	18,681.76
b. Sale of Journal	12,504.77	12,504.77	d. C.H.S. Contribution	2,429.00
iii. Miscellaneous Receipts			6. Contingencies :	
Miscellaneous	1,669.38	1,669.38	a. Rent for office (including Water & Electricity)	6,784.07
Securities Deposits	750.00	750.00	b. Postage Telegram & Telephone charges	14,192.15
Receipts from Central Gularbhoj Gosadan	9,214.69	9,214.69	c. Books & Publications	583.09
			d. Stationery & Forms	6,023.87
			e. Printing & Advertisements	8,702.28
			1. Office Expenses & Miscellaneous	5,390.05
			g. Typewriter	2,792.01
			h. Furniture	3,981.06
			i. Staff Car	14,646.01
				63,094.59
				1,76,390.50
			TOTAL ADMINISTRATION :	
			B. Travelling Allowance to Members	12,210.08
			C. Measures taken in connection with the Gosamvardhana :	
			1. Gosamvardhana Week Celebrations	43,814.96
			2. Gausghala Managers Training Centre	32,264.33
			3. Gosamvardhana Journal Scheme	39,993.16
			4. Milk Yield Competition	11,500.00

5. Stray Cattle Catching Scheme	77,312.12	
6. Training in Hides Flaying	20,433.53	
7. Salvage of Dry Cattle	1,959.80	
8. Transit Camp	6,150.66	
9. Financial Assistance to State Councils	11,759.50	
10. Supply of Breeding Bulls	26,788.00	
11. Exhibition Units	25,543.71	
12. Gularbhoj Gosadan	31,719.72	
13. Subsidy on Famines	15,094.00	3,44,333.49
D. Desposits & Advances refundable		13,755.00
E. Refund to Govt. of India of C.C.G. grants		9,534.21
Total A to E		5,56,223.28
Closing Balance		
i. In current Account with the State Bank of India		28,338.28
ii. In Cash (Imprest) with Secretary		200.00
GRAND TOTAL	5,84,761.56	GRAND TOTAL
		5,84,761.56

Sd/- P. C. BAJPAI,
25-10-62
Asst. Secy.

K. C. SARKAR, Under Secy

खाद्य और कृषि मन्त्रालय

(कृषि विभाग)

अधिसूचना

नई दिल्ली, 31 मई, 1963

सं० 7-6/63 एल० जी० केन्द्रीय गोसंवर्धन परिषद् के उप-नियमों के उपनियम XII (4) के उपबन्ध के अनुसार, भारत सरकार केन्द्रीय गोसंवर्धन परिषद् के 1961-62 के वित्तीय वर्ष की प्राप्ति और अदायगी के लेख को लेखा परीक्षक की रिपोर्ट सहित ग्राम जानकारी के लिए प्रकाशित करती है।

केन्द्रीय गोसंवर्धन परिषद् 1961-62 के लिए प्राप्ति और अदायगी

अथ शेष तथा प्राप्ति			खर्च तथा इतिशेष		
1. अथ शेष :			ए प्रशासन :		
i. स्टेट बैंक आफ इंडिया के साथ चालू हिमाब में	9,334.21		1. अधिकारियों का वेतन	22,570.49	
ii. सचिव के पास नकद	200.00	9,534.21	2. सिम्बन्दी का वेतन	42,593.20	
2. राज्य सरकार और भारत सरकार से अनुदान के रूप में प्राप्त हुए रुपये :			3. छुट्टी का वेतन तथा पेंशन अंशदान	4,671.33	
i. भारत सरकार	5,44,000.00	5,44,000.00	4. भविष्य-निधि अंशदान तथा ग्रेच्युटी	5,453.77	
3. सोसायटी द्वारा प्राप्त हुए अन्य रुपये :			5. भत्ते और मानदेय :		
i. जमा और वापसी पेशगी धन की वसूली	4,136.00	4,136.00	(क) यात्रा भत्ता	13,687.18	
ii. विज्ञापन और 'गोसंवर्धन' पत्रिकाओं की बिक्री :			(ख) महंगाई भत्ता	3,209.18	
(क) विज्ञापन	2,952.51	2,952.51	(ग) मकान किराया और अन्य भत्ते	18,681.76	
(ख) पत्रिकाओं की बिक्री	12,504.77	12,504.77	(घ) अंशदायी स्वा-स्थ सेवा योजना	2,429.00	38,007.12
			6. फुटकर खर्च :		
			(क) दफ्तर का किराया जिसमें बिजली पानी भी शामिल है	6,784.07	

iii. विविध प्राप्ति

विविध . . .	1,669' 38	1,669' 38	(ख) डाक, तार और टेलीफोन का खर्च . . .	14,192' 15	
जमानत जमा . . .	750' 00	750' 00	(ग) पुस्तकें और प्रकाशन . . .	583' 09	
केन्द्रीय गलरभोज . . .			(घ) लेखन सामग्री तथा फार्म . . .	6,023' 87	
गोसदन से प्राप्ति . . .	9,214' 69	9,214' 69	(ङ) छपाई और विज्ञापन . . .	8,702' 28	
			(च) दफ्तर के खर्चे और विविध . . .	5,390' 05	
			(छ) टाइपराइटर . . .	2,792' 01	
			(ज) फर्नीचर . . .	3,981' 06	
			(झ) स्टाफ कार . . .	14,646' 01	63,094' 59
			कुल प्रशासन . . .		1,76,390' 50
			बी—सदस्यों को यात्रा भत्ता . . .		12,210' 08
			सी—गोसंवर्धन के सम्बन्ध में किये गये कार्य :—		
			1. गोसंवर्धन सप्ताह समारोह . . .	43,814' 96	
			2. गोशाला प्रबन्धक प्रशिक्षण केन्द्र . . .	32,264' 33	
			3. गोसंवर्धन पत्रिका योजना . . .	39,993' 16	
			4. दूध उत्पादन प्रति-योगिता . . .	11,500' 00	
			5. आवारा पशु पकड़ने की योजना . . .	77,312' 12	
			6. भमड़ा उतारने में प्रशिक्षण . . .	20,433' 53	
			7. सूखे पशुओं का उद्धार . . .	1,959' 80	
			8. निकासी कैंप . . .	6,150' 66	
			9. राज्य परिषदों को आर्थिक सहायता . . .	11,759' 50	
			10. प्रजनन सांडों का सम्भरण . . .	26,788' 00	
			11. प्रदर्शनी एकक . . .	25,543' 71	
			12. गलरभोज गोसदन . . .	31,719' 72	
			13. अकाल के समय सहायता . . .	15,094' 00	3,44,333' 49
			डी—वापिस होने वाला जमा और पेशगी धन . . .		13,755' 00
			ई—परिषद् द्वारा प्राप्त अनुदान का भारत सरकार को वापिस किया जाना . . .		9,534' 21
			कुल 'ए' से ई इति शेष . . .		5,56,223' 28
			i. स्टेट बैंक आफ इंडिया के साथ चालू हिसाब में . . .		28,338' 28
			ii. सचिव के पास नकद (पेशगी) . . .		200' 00
कुल जोड़ . . .	5,84,761' 56		कुल जोड़ . . .		5,84,761' 56

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 24th May 1963

No. 13/13/63-E.Pty.—In exercise of the powers conferred by sub-rule (1) of rule 133-V of the Defence of India Rules, 1962, the Central Government is pleased to order that all property in India moveable or immovable, belonging to, or held by or managed on behalf of Messrs. Chinese Restaurant (owner Shri Chiv Wan Chong) of Kharva Road, P.O. Ghum, District Darjeeling, shall vest in the Custodian of Enemy Property for India.

No. 12/19/63-E.Pty.—In exercise of the powers conferred by sub-rule (1) of rule 133-V of the Defence of India Rules, 1962, the Central Government is pleased to order that all property in India, moveable or immovable belonging to, or held by or managed on behalf of the following persons shall vest in the Custodian of Enemy Property for India:—

- (1) Mr. Lin Khai Fong, Shoe Maker, Silchar.
- (2) Mr. Chung Hon Hang, Cabinet Maker, Silchar.
- (3) Mrs. Kin Sen Chinese, Dentist, *alias* Mrs. Fung Sen *alias* Lisus Shan *alias* Lise Fug, Silchar.
- (4) Dr. Lui Pang, Huen, Dentist, Silchar.

No. 13/12/63-E.Pty.—In exercise of the powers conferred by sub-rule (1) of rule 133-V of the Defence of India Rules, 1962, the Central Government is pleased to order that all property in India, moveable or immovable belonging to, or held by or managed on behalf of Messrs. HO FOO & Co., P.O. Makum Junction, District Lakhimpur, Assam shall vest in the Custodian of Enemy Property for India.

New Delhi, the 30th May 1963

No. 22/16/62-E.Pty.—In exercise of the powers conferred by sub-rule (1) of rule 133-V of the Defence of India Rules, 1962, the Central Government is pleased to authorise the persons specified in Column 3 of the Schedule hereto annexed to carry on the trade or business of the firm specified in Column 1 thereof subject to such directions as may be issued from time to time by a Controller, Deputy Controller or Inspector of Enemy Firms appointed under the said Rules.

SCHEDULE

Name of Firm	Address	Persons authorised
1	2	3
Messrs Lie Hing Shoe Making Firm.	Natia Pool, Dibrugarh P.O. Distt. Lakhimpur, Assam	(i) Sm. Long Khap and (ii) Sm. Kham Pong

No. 13/15/63-E.Pty.—In exercise of the powers conferred by sub-rule (1) of rule 133-V of the Defence of India Rules, 1962, the Central Government is pleased to order that all property in India, moveable or immovable belonging to, or held by, or managed on behalf of Messrs. Cham Fachee, Chinese Dentist and Chin Hin, Dentist, Haflong, U. Mikir & N. C. Hills, Assam (owners—Mr. Chiang Min Te and Mrs. Chiang Chin Sin Mo), shall vest in the Custodian of Enemy Property for India.

No. 13/16/63-E.Pty.—In exercise of the powers conferred by sub-rule (1) of rule 133-V of the Defence of India Rules, 1962, the Central Government is pleased to order that all property in India moveable or immovable belonging to, or held by, or managed on behalf of Messrs. Fenly & Co., Khallamari P.O. Dibrugarh, District Lakhimpur, Assam (owner Mr. L in Uen Hung) shall vest in the Custodian of Enemy Property for India.

C. S. RAMACHANDRAN, Jt. Secy.

MINISTRY OF EDUCATION

New Delhi, the 29th May 1963

No. F.1-20/62-SW-3.—In continuation of the Ministry of Education's notification No. F.1-20/62-SW-3, dated the 7th February 1963, the Government of India are pleased to nominate the following as members of the Central Social Welfare Board for the remaining period of the Board's term:—

1. Smt. Buchi Krishnamma (Andhra Pradesh).
2. Kum. Gayatri Gupta (Uttar Pradesh).
3. Smt. Anis Kidwai, Member Rajya Sabha.
4. Shri I. D. N. Sahl, Joint Secretary, Ministry of Community Development, Panchayati Raj and Cooperation (representative of the Ministry of Community Development, Panchayati Raj and Cooperation).

NAUHRIA RAM, Dy. Educational Adviser.

शिक्षा मंत्रालय

अधिसूचना

नई दिल्ली, 29 मई, 1963

संख्या एक० 1.20/62-एस०इ०बल्ड०-3-शिक्षा मंत्रालय की 7 फरवरी, 1963 की अधिसूचना संख्या एक० 1.20/62-एस०इ०बल्ड० 3 के आगे, भारत सरकार निम्नांकितों को केन्द्रीय समाज कल्याण बोर्ड की बाकी अवधि के लिए सदस्य के रूप में नामजद करती है:—

1. श्रीमती बुची कृष्णनम्मा (आंध्र प्रदेश)
2. कुमारी गायत्री गुप्ता (उत्तर प्रदेश)
3. श्रीमती अनीस किदवाई, सदस्या, राज्य सभा
4. श्री आई० डी० एम० साही, संयुक्त सचिव, सामुदायिक विकास, पंचायत राज और सहकारिता मंत्रालय (सामुदायिक विकास, पंचायत राज और सहकारिता मंत्रालय के प्रोसीनीध)।

नौहरीथा राम, उप शिक्षा सलाहकार।

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

RESOLUTION

PORTS

New Delhi, the 28th May 1963

No. 17-PG(37)/62.—The Government of India have received the Administration Report of the Vishakhapatnam Port for the year 1961-62. The salient features of the Report are reviewed below:—

1. FINANCIAL RESULTS:—

(a) **Port Fund.**—The total revenue of the port (excluding the Pilotage Account and Special receipts) during the year was Rs. 167.89 lakhs as compared with Rs. 186.96 lakhs during the year 1960-61. The decrease in revenue was due to a fall in traffic in high-income earning commodities.

The expenditure (excluding special expenditure and expenditure charged to the Pilotage Account) during the year under review was Rs. 108.17 lakhs as against Rs. 85.23 lakhs in 1960-61. Contributions amounting to Rs. 30 lakhs and Rs. 5 lakhs were made to the Depreciation Reserve Fund and the Revenue Reserve Fund respectively during 1961-62. The year's working disclosed a net surplus of Rs. 2.93 lakhs.

(b) **Pilotage Account.**—The gross income and expenditure under the Pilotage Account during 1961-62 were Rs. 2.54 lakhs and Rs. 5.00 lakhs, respectively, resulting in a surplus of Rs. 0.54 lakhs during the year.

(c) **Reserve Funds.**—The position with regard to the balance in the various funds at the end of the year was satisfactory.

2. TRAFFIC

(a) **Trade.**—The total dead weight tonnage of imports which passed through the port during the year 1961-62 was 13.96 lakhs tonnes as against 13.86 lakhs tonnes in the previous year registering an increase of 0.10 lakh tonnes. The increase was mainly due to increase in the import of Ammonium Nitrate, machinery, Railway materials, Shipbuilding materials and Petroleum Products.

The exports during the year 1961-62 amounted to 14.57 lakhs tonnes as against 14.62 lakhs tonnes in the previous year. The decrease of 0.05 lakh tonnes was mainly due to the decrease in the export of manganese ore. The main items of exports were bunker coal, Myrabolans, food grains (wheat), Jute raw, gunnies, molasses, pig iron, Manganese Ore, Iron ore, Chrome ore, sugar, petroleum products, and tobacco.

(b) **Shipping.**—The number of foreign going vessels which entered the port during 1961-62 was 382 with a total tonnage of 1,771,492. The corresponding figures for the previous year were 478 and 21,55,009 tons. 227 Coastal Vessels with a total tonnage of 7,90,181 visited the Port during the year under review as against 144 with a total tonnage of 4,73,304 during 1960-61.

The M. V. "EASTERN MARINER" of length 569' O.A. with a gross tonnage of 12,308 was the longest merchant vessel and the M. V. "BALI" with draft 30' 06" and aft. 31' 03", length 520' O.A. and G.R.T. 9,646 was the deepest vessel which entered the Port during the year 1961-62.

3. LABOUR:—

The labour situation continued to be satisfactory during the year 1961-62. The Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959 was implemented during the year. About 900 workers in various categories were registered in the Reserve Pool. Daily time rate wages were fixed for the various categories of workers and an incentive scheme based upon uniform datums was introduced. The registered workers were given an attendance allowance Rs. 1 per day for the days work could be found for them and guaranteed minimum wages for 12 days. This guarantee was raised to 14 days wages with effect from 1st January, 1962.

4. CAPITAL WORKS:—

Capital works of an aggregate value of Rs. 64,99,527 were carried out during the year 1961-62 bringing the total Capital Outlay by the Government of India on the port during the post-war years to about Rs. 500 lakhs.

5. PORT FIRE SERVICES:—

The Port Fire Services consist of a Fire Float which is equipped with salvage gear and a portable pump manned by a staff of 31 including one Fire Safety Inspector.

During the year the service attended to 8 fire calls, out of which seven were small fires and one was a serious one.

6. AMENITIES TO STAFF:—

The Port Administration's Welfare measures covered a vast variety of activities, such as sports, cultural programmes, canteens, rest-sheds, clubs, general medical attention, etc. As usual, grants from the Staff Welfare Fund were given to needy employees, staff clubs etc.

Ordered that a copy of this Resolution be communicated to all concerned and also published in the Gazette of India.

G. VENKATESWARA AYYAR, Secy.

परिवहन तथा संचार मंत्रालय**(परिवहन विभाग)****संकल्प****पत्तन**

मई दिल्ली, 28 मई, 1963

संख्या 17.पी०जी०(37)62.—भारत सरकार को विशाखापत्तनम पत्तन की 1961.62 की रिपोर्ट प्राप्त हो गई है। रिपोर्ट के मुख्य तथ्य नीचे दिए गए हैं:—

1. वित्तीय स्थिति:—

(क) पत्तन निधि—इस वर्ष पत्तन को राजस्व से (कनहारी खातों और विशेष आय को छोड़ कर) 167.89 लाख रुपए की आय हुई। इसके विपरीत 1960.61 में 186.96 लाख रुपए की आय हुई थी। अधिक आय अर्जित करने वाले माल के यातायात में कमी होने के कारण आय में कमी हुई।

विशेष व्यय और कनहारी खातों के व्यय को छोड़ कर विचाराधीन वर्ष में 108.17 लाख रुपए व्यय हुए इसके विपरीत 1960.61 में 85.23 लाख रुपए का व्यय हुआ था। 1961.62 में हास आरक्षित निधि और राजस्व आरक्षित निधि में क्रमशः 30 लाख रुपए और 5 लाख रुपए के अंशदान दिए गए। इस वर्ष 2.93 लाख रुपए की निबल बचत हुई।

(ख) कनहारी खाता—1961.62 में कनहारी खाते में कुल आय और व्यय क्रमशः 2.54 लाख रुपए और 2 लाख रुपए हुए। इस प्रकार इस वर्ष 1.54 लाख रुपए की बचत रही।

(ग) आरक्षित निधियां—वर्ष के अन्त में विभिन्न खातों में अधिशेष की स्थिति संतोषजनक थी।

2. यातायात:—

(क) व्यापार—इस वर्ष इस पत्तन से होने वाले आयात का कुल टनभार 13.96 लाख टन था जब कि पिछले वर्ष यह 13.86 लाख

टन था। इस प्रकार इस वर्ष आयात में 0.10 लाख टन की वृद्धि हुई। इस वृद्धि का मुख्य कारण यह था कि अमोनियम नाइट्रेट, मशीनों, रेल के सामान, जहाज निर्माण के सामान और पेट्रोल के सामान के आयात में वृद्धि हुई।

1961.62 में 14.57 लाख टन माल का निर्यात हुआ इसके विपरीत पिछले वर्ष 14.62 लाख टन माल का निर्यात हुआ था। मैंगनीज और के निर्यात में कमी होने के कारण ही 0.05 लाख टन की कमी हुई। बंकर कोयले, माइराबोलन, खाद्यान्न (गेहूं), कच्चे जूट, बीरियां, सीरा, कच्चे लोहे, मैंगनीज और, आइरन और, क्रोम और, चीनी, पेट्रोल के सामान और तम्बाकू का मुख्यतः निर्यात किया गया।

(ख) जहाजरानी—1961.62 में इस पत्तन से विदेशों को जाने वाले जहाजों की संख्या 382 थी जिनका कुल टन भार 1,771,492 था। पिछले वर्ष ये संख्याएं क्रमशः 478 और 2,155,009 टन थी। विचाराधीन वर्ष में कुल 790,181 टनभार के 227 तटीय जहाज इस पत्तन पर आये। इसके विपरीत 1960.61 में कुल 473,304 टनभार के 144 जहाज आए थे।

1961.62 में यहाँ आने वाले जहाजों में 569 फुट औं एं लंबा 12,308 कुल टन भार का एम० बी० “ईस्टर्न मैरिनर” सबसे लम्बा व्यापारी जहाज और 30 फुट 6 इंच अगले भाग और 31 फुट 3 इंच पिछले भाग के ढुआव वाला 520 फुट औं एं लम्बा तथा कुल 9,646 टन रजिस्टर धारिता का ‘वाली’ जहाज सबसे अधिक ढुआव वाला जहाज था।

3. श्रमिक:—

1961.62 में श्रमिकों सम्बन्धी स्थिति संतोषजनक रही। इरा वर्ष विशाखापत्तनम डाक कर्मचारी (रोजगार नियमन) योजना, 1959 लागू की गई। आरक्षित ‘पूल’ में विभिन्न वर्गों के 900 श्रमिक रजिस्टर किए गए। श्रमिकों के विभिन्न वर्गों के लिए दैनिक समय दर से मजदूरी नियत की गई और एकसम आधार सामग्री पर आधारित एक प्रोत्साहन योजना लागू की गई। 1 रजिस्टर किए गए श्रमिकों को उन दिनों के लिए जब उनके लिए काम प्राप्त किया गया, रुपया प्रतिदिन उपस्थिति भत्ता दिया गया और 12 दिन के लिए न्यूनतम मजदूरी की गारंटी दी गई। 1.1.1962 से यह गारंटी 12 दिन से बढ़ा कर 14 दिन कर दी गई है।

4. पूंजीगत निर्माण कार्य:—

1961.62 में कुल 6,499,527 रुपये की लागत के निर्माण कार्य सम्पन्न किए गए और इस प्रकार इस पत्तन के पूंजीगत निर्माण कार्यों पर उत्तर युद्ध काल में सब मिलाकर भारत सरकार ने लगभग 500 लाख रुपये की पूंजी लगाई।

5. पत्तन अग्निशमन सेवा:—

पत्तन अग्निशमन सेवा में एक ‘फायर फ्लोट’ जिस में पांतरक्षण गियर लगा है और एक सुवाह्य पम्प जिस में 31 कर्मचारी काम करते हैं जिन में से एक अग्नि सुरक्षा निरीक्षक है, शामिल है।

इस वर्ष इस सेवा ने 8 अग्नि काण्डों का शमन किया जिन में से सात छोटे और एक गंभीर अग्निकाण्ड थे।

6. कर्मचारियों के लिए सुख सुविधाएं:—

पत्तन प्रशासन के कल्याण कार्यों में अनेक विभिन्न कार्यक्रमों आते हैं जैसे खेल, सांस्कृतिक कार्यक्रम, कांटीन, रैस्टोड, क्लब, सामान्य चिकित्सा, इत्यादि। सदा की तरह कर्मचारी कल्याण निधि से गरीब कर्मचारियों, कर्मचारियों के क्लबों, इत्यादि को अनुदान दिए गए।

आदेश दिया जाता है कि इस संकल्प की प्रतियां सभी संबंधित व्यक्तियों को भेजी जाय और इसे भारत के गजट में भी प्रकाशित किया जाए।

गोपाल बंकिट्ठर अड्यूर, सचिव।

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 28th May 1963

No. 8/133/62-LR.II.—Whereas, the decision of Shri G. Palit, Central Government Industrial Tribunal, Dhanbad, in respect of the matter referred to him under section 36A of the Industrial Disputes Act, 1947 (14 of 1947) by the Order of the Government of India in the Ministry of Labour and Employment No. S.O. 903 dated the 1st April, 1960, seeking correct interpretation of paragraph 141 of the Decision of the Labour Appellate Tribunal dated the 29th January, 1957 on the Award of the All India Industrial Tribunal (Colliery Disputes) was published in Part I Section I of the Gazette of India dated the 27th August, 1960 with the notification of the Government of India in the Ministry of Labour and Employment No. 3/25/59-LR.II dated the 20th August, 1960;

And, whereas, the matter was remanded by the Hon'ble High Court of Judicature at Patna for a fresh decision by the Central Government Industrial Tribunal, Dhanbad;

Now, therefore, the decision of Shri Raj Kishore Prasad, Central Government Industrial Tribunal, Dhanbad in respect of the said matter is hereby published for general information.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE No. 19 OF 1960

PARTIES :

Employers in relation to the Girimint Coal Mine.

AND

Their workmen.

In the matter of an interpretation of the Award of the All India Industrial Tribunal (Colliery Disputes) dated 26th May, 1956 as modified by the decision of the Labour Appellate Tribunal of India dated 29th January, 1957.

PRESENT:

Sri Raj Kishore Prasad, M.A., B.L.,

Presiding Officer.

APPEARANCES :

For Girimint Colliery :

Shri Balbhadra Prasad Singh, Advocate, Patna, with Shri D. Narsingh, Advocate, Dhanbad, Shri Nagendra Prasad Singh, Advocate, Patna, Shri Karuna Nidhan Keshava, Advocate, Patna, and Shri R. Varma, Chief Personnel Officer.

For Tata's Collieries :

Shri Balbhadra Prasad Singh, Advocate, Patna, Shri Karuna Nidhan Keshava, Advocate, Patna, and Shri G. Prasad, Chief Personnel Officer.

For the Workmen :

1. Shri Kalyan Roy, Indian Mine Workers' Federation, and Colliery Mazdoor Sabha.

2. Shri J. Poddar, for the Colliery Mazdoor Congress, and All India Khan Mazdoor Federation,

3. Shri S. K. Rudra, for Colliery Mazdoor Congress, and All India Khan Mazdoor Federation, and

4. Shri Keshab Banerjee, for India National Mine Workers' Federation, Dhanbad, and Colliery Mazdoor Union, Asansol.

STATE : West Bengal,

INDUSTRY : Coal.

Camp, Patna, dated the 7th March 1963.

AWARD

This reference has come on remand, from the Hon'ble High Court of Judicature at Patna, for a fresh decision.

2. This reference was made by the Government of India, Ministry of Labour and Employment, by its Order No. 3/25/59-LR.II dated the 31st March, 1960, under Section 36A of the Industrial Disputes Act, 1947, to this Tribunal, because the employer in relation to the Girimint Coal Mine raised a doubt relating to the interpretation of the award of the All India Industrial Tribunal (Colliery Disputes), commonly

known as Majumdar Award, dated 26th May, 1956, as modified by the decision of the Labour Appellate Tribunal dated 29th January, 1957, for decision of the following question :

"Whether the directions contained in paragraph 141 of the said decision of the Labour Appellate Tribunal are applicable to the Conveyer Loaders?"

3. My predecessor in office, the late Shri G. Palit, by his decision dated the 25th July, 1960, answered the reference in the affirmative in favour of the workmen concerned holding that the directions in para 141 of the said decision of the Labour Appellate Tribunal "did apply to Conveyer Loaders as much as to other loaders."

4. The Bengal Coal Co., Ltd., thereafter, moved the Hon'ble High Court at Patna under Articles 226 and 227 of the Constitution of India for quashing the just mentioned decision of this Tribunal, and, thereupon, the Hon'ble High Court by its judgment dated 7th May, 1962, which is reported as *Bengal Coal Co. Ltd. Vs. Chairman, Central Government Industrial Tribunal, Dhanbad*, 1962 B.L.J.R. 681=1962-11.L.L.J. 411, set aside the said decision and remanded it for fresh decision to this Tribunal with the following directions:

"We set aside the decision of the Central Government Industrial Tribunal, Dhanbad, dated the 25th July, 1960, in Reference Case No. 19 of 1960 and order that the reference case should go back for decision to the Central Government Industrial Tribunal, Dhanbad, which will now give notice to all the parties to the original Coal Award and the award of the Labour Appellate Tribunal and then proceed to decide the case in accordance with law."

5. According to the above direction of the Hon'ble High Court, the Tribunal issued registered notices with acknowledgments due to all the parties to the original Coal Award and to the Award of the Labour Appellate Tribunal, which were 1090 in number, in accordance with Orders No. S.R.O. 691, dated the 22nd February 1954; S.R.O. 1311 dated the 9th June, 1955 and S.R.O. 1786 dated the 20th May, 1954, published in the Gazette of India as No. LR.2(17)/54 dated the 20th May 1954, sent on the request of the Tribunal, by the Ministry of Labour and Employment, Government of India, with its letters No. 8/133/62-LR.II dated 1st December, 1962 and the 8th December, 1962 in which the names and addresses of all such parties were mentioned in detail.

6. In response to the said notices, many parties, in spite of registered notices to them, did not appear and contest the present reference; but some of them appeared and filed their written statements as mentioned hereinafter, and contested the case before this Tribunal.

7. Amongst the owners of the collieries, only five employers appeared and filed their written statements and contested the proceedings. They are:

- (1) Girimint Colliery, which filed its fresh written statement on 25.1.1963 giving a go-by to its first written filed on 8.6.60, before the first decision of this Tribunal;
- (2) The Pench Valley Coal Co. Ltd., and the Amalgamated Coal-fields Ltd., which filed a joint written statement on 7.2.1963;
- (3) Messrs. Tata Iron and Steel Company Limited, which filed its written statement on 7.2.1963;
- (4) Messrs. West Bokaro Limited (West Bokaro Colliery) which filed its written statement on 11.2.1963; and,
- (5) Messrs. Equitable Coal Co. Limited, which filed its written statement on 16.2.1963.

8. The Kanhan Valley Coal Co. (P) Ltd., and the Central Provinces Syndicate Private Limited, Dilly Dale, Byramji Town, Nagpur, sent their written statements separately, which were received on 7.3.1963, after the conclusion of the hearing on 6.3.1963, but before the order was passed, and, therefore, they have also been taken into consideration. No one, however appeared at the hearing of the reference at any stage on their behalf.

9. Sri Balbhadra Prasad Singh, Advocate, Patna, along with Sri D. Narsingh, Advocate, Dhanbad; Sri Nagendra Prasad Singh, Advocate, Patna, and Shri Karuna Nidhan Keshava, Advocate, Patna and Shri Ramayyaji Varma, Chief Personnel Officer, appeared for the Girimint Colliery; and, Shri B. P. Singh, along with Shri Karuna Nidhan Keshava and Shri G. Prasad, Chief Personnel Officer, appeared for the Tata Collieries. For the other Collieries, which filed written statements, no particular person represented them separately. Shri Balbhadra Prasad Singh, presented the arguments on behalf of all the employers.

10. Amongst the Unions representing the concerned workmen, the following Unions appeared and filed their written statements:

- (1) The Indian Mine Workers' Federation (AITUC) filed its written statement on 29th January, 1963, over and above the written statement filed by it on 19th May, 1960 before the remand;
- (2) The Colliery Mazdoor Sabha also filed a fresh written statement on 29th January, 1963;
- (3) Colliery Mazdoor Congress, representing the workmen of the Girimint Colliery, filed its fresh written statement on 18th January, 1963, over and above its previous written statement filed on 11th May, 1960 before the remand;
- (4) Indian National Mine Workers' Federation and Colliery Mazdoor Union filed a joint written statement on 29th January, 1963; and
- (5) All India Khan Mazdoor Federation (H.M.S.) filed its written statement on 29th January, 1963.

11. These different Unions were represented by different representatives. Shri Kalyan Shankar Roy appeared for Indian Mine Workers Federation and Colliery Mazdoor Sabha; Shri Jayant Poddar and Shri S. K. Rudra for Colliery Mazdoor Congress, and All India Khan Mazdoor Federation; and Shri Keshab Banerjee for India National Mine Workers' Federation, Dhanbad, and Colliery Mazdoor Union, Asansol.

12. The common, rather the main, defence of the contesting employers was that para 141 of the decision of the Labour Appellate Tribunal applies only to conveyor loaders who load coal by baskets, like the tub-loaders or the loaders of the mine cars, but it does not apply to conveyor loaders, who load coal by shovels on to the conveyor belts without having to move over any distance. The Pench Valley Coal Co., Ltd., in para 1 of its written statement, admitted that conveyor loaders were paid the same wages which were paid to tub-loaders.

13. The main contention of Shri Balbhadra Prasad Singh, on behalf of the contesting employers, was that there are two classes of conveyor loaders, namely, Conveyor Loaders who load coal by shovels into conveyor belts, and, Conveyor Loaders who load coal by baskets. Shri Singh, therefore, conceded that para 141 of the Labour Appellate Tribunal decision applies to Conveyor Loaders, but he qualified his admission by saying that it applies only to those Conveyor Loaders who load with baskets and not to those who load with shovels. On being questioned by me, Shri Singh further conceded that although the reference in question admitted of one answer either in the affirmative or in the negative, yet this Tribunal had the power and jurisdiction to answer it partly in favour of the concerned workmen and partly in favour of the employers by holding, as asked by Shri Singh, that para 141 of the Labour Appellate Tribunal decision applies only to Conveyor Loaders who load with baskets and not to those who load with shovels.

14. On behalf of the contesting workmen, however, it was contended by all the representatives of the different Unions that the reference could be answered either in the affirmative or in the negative, and, therefore, it could not be bifurcated and answered in the manner asked by Shri Singh. It was further contended that if it was conceded by the employers that para 141 of the Labour Appellate Tribunal decision applied to Conveyor Loaders there was no scope for limiting its application only to Conveyor Loaders who load by baskets and not to Conveyor Loaders who load with shovels, in as much as, this novel distinction was not made by the Labour Appellate Tribunal itself as will appear from reading para 141 along with para 126 of the decision of the Labour Appellate Tribunal. It was, therefore, contended that when it was admitted by the employers that Para 141 of the decision of Labour Appellate Tribunal applies to Conveyor Loaders who load with baskets, the reference should be answered in the affirmative in favour of the concerned workmen by holding that the directions in para 141 of the Labour Appellate Tribunal decision are applicable also to Conveyor Loaders, who load by shovels.

15. The Girimint Colliery in its written statement filed on 25th January 1963 appended to it Annexure 'A', wherein method of extraction of coal and movement of coal from the coal face are mentioned. In para IV of the said Annexure 'A', it is mentioned that the Girimint Colliery is one of the few coal mines in India which has installed Conveyor Belts and then it sets out thereafter the mechanical device set up by it under which the loaders have to load the machine-cut blasted coal. The material portion of it is as below:—

"These loaders operate by merely standing close to the Conveyor Belt and throwing the blasted coal on the Conveyor by means of a shovel. They do not load coal into tubs directly; the coal shovelled by them on the conveyor belt is loaded into tubs at the farther end of the belt as the conveyor moves

on and they do not have to walk along the belt. They do not have to first fill a basket and to walk over any distance to load the coal into the tub or a mine car, which is only another name for a larger tub. The exertion undertaken by such a loader is proportionately far less than the exertion involved in the ordinary method of loading by an ordinary loader who has to use a basket and walk a distance of at least 50 feet."

16. Sri Singh very strongly relied on para IV of Annexure A, quoted above, and this was relied upon also by the other contesting Collieries. Sri Singh also filed a written argument indicating the tests to ascertain whether ambiguity arises and if so, how to resolve it. It is not necessary, however, to deal with this written argument in detail as the contesting Unions accepted these tests and did not dispute them and rightly so, because they are so well settled that these tests could not be challenged. It was not disputed, and it could not be, that they are useful aids to resolve ambiguity, if there be any.

17. The principal contention of Shri Singh was that the conveyor loaders, who load by shovels, which, according to the employers of the different collieries, are not covered by para 141 of the Labour Appellate Tribunal decision, is covered by para 164 of the decision of the Labour Appellate Tribunal read with para 600 of the Original Coal Award—Majumdar Award—which deal with residuary classes of workers which have not been specifically dealt with in the Award. Sri Singh in order to show that there was internal evidence in the decision of the Labour Appellate Tribunal, indicating the intention of the Labour Appellate Tribunal that Para 141 of its decision should not apply to conveyor loaders who load with shovels, relied on several paragraphs of the Majumdar Award and the Labour Appellate Tribunal decision. Paras 133, 136, 137, and 149, Item 277 of Appendix XI of the Majumdar Award were specifically relied upon. Para 130 of the Labour Appellate Tribunal decision, wherein the evidence of M.W.15 and M.W.6, examined before the Majumdar Tribunal, is dealt with, was also relied upon by Shri Singh. These paragraphs have been mentioned also in the written note submitted by Shri Singh. On behalf of the concerned workmen also certain paragraphs of both the awards were referred to in course of the argument but greatest reliance was placed on para 126 of the Labour Appellate Tribunal decision.

18. On behalf of the workmen concerned it was conceded by Sri Kalyan Shankar Roy that Conveyor Loaders may load coal by shovel into conveyor belts or by baskets into conveyors. Shri S. K. Rudra, who appeared for some of the Unions, developed this point further by submitting that, as will appear from para 44 of the Labour Appellate Tribunal decision, categorisation of workmen into ten categories was done by consent and all the workmen of one category were the same and no differentiation was made in the same category amongst the workmen of that category due to the nature of the work of the different workmen of that category, and, therefore, as no difference has been made by the two awards between a Conveyor Loader who loads with baskets and a Conveyor Loader who loads with shovel, the distinction pointed out by Shri Singh is untenable and against the original Award as well as the Appellate Award of the Labour Appellate Tribunal. He further submitted that some conveyor loaders, who are to work in different shifts, and, had different coal faces, may have to load coal with baskets at one place in one shift and may have to load coal with shovels into the conveyor belt at other place in another shift, and, therefore, if this distinction sought to be made on behalf of the employers is accepted, the position would be anomalous in as much as the conveyor loader will get wages at one rate if he loads coal with baskets and at another rate if he loads coal by shovels.

19. I have given my best consideration to the arguments presented on behalf of both parties and after consideration of the same I feel convinced that the direction in para 141 of the Labour Appellate Tribunal decision apply to all conveyor loaders as a class irrespective of the fact whether they load coal by baskets or by shovels. When it is the admitted case of all the contesting employers that para 141 of Labour Appellate Tribunal decision applies to Conveyor Loaders who load by baskets, I find no justification for limiting it to them only and for not applying it to conveyor loaders who load with shovels, simply because their labour is alleged to be less than that of Conveyor Loaders who load with baskets.

I will proceed now to give my reasons for coming to this conclusion.

20. One ground may be cleared first. Shri Singh did not contend that the present reference being under Section 36A of the Act was not maintainable because it was not an industrial dispute as held by the Patna High Court in *Management of Sendra Bansjora Colliery Co. (P) Ltd. v. Shantilal M. Bhatt.* in M.J.C. 21 of 1961 decided on 6th February 1963. The case was argued on the footing that the reference was

competent and that the Tribunal had jurisdiction to decide the question referred to it for decision.

It is firmly settled by the decision of the Supreme Court in *Kirloskar Oil Engines, Limited, Kirkee, Poona, and its workmen*, 1961-II.L.L.J.675 that a proceeding contemplated by Section 36A is not a proceeding intended to enable the Tribunal to review or modify its own order, and "Thus, the enquiry permissible under Section 36A is limited to the question of the interpretation of the provisions of the award in question and no more".

It is equally well settled by the decision of the Supreme Court in *Jeewanlal (1929) Limited and Its workmen*, 1961-I.L.L.J. 517-A.I.R. 1961 S.C. 1567 that when the award itself does not give definition of any expression used in it and there is no statutory definition of it, in such a case it would be necessary to examine the question on principle and decide what the expression should mean in any given award.

21. In the light of the above principles, let us examine the position in the instant case.

Labour Appellate Tribunal has dealt with Loaders specifically in paras 126 to 142 giving their duty, their work-load, etc. Conveyor Loaders as such have not been specifically and separately dealt with by it. In Para 126 of its decision, the Labour Appellate Tribunal said that:—

"Loaders have been referred to in the award as Machine Miners or Machine Cut Coal Loaders. Their duty is to load coal into the tubs, mine cars or conveyors. In certain collieries, in Hyderabad, they are known as fillers."

In the original Coal Award—Majumdar Award—the categorisation of the workmen is given in Appendix XII and their emoluments directed are given in Chapter XII of the said award and in para 574 it is mentioned that:—

"Our Categorisation cannot claim to cover all the jobs in the collieries. It should be possible for the parties to fit in the jobs not specifically covered into suitable places depending on the nature of work.....".

In para 576 the Majumdar Award specifies the main categories of piece-rated workers and amongst them are "(b)" "loaders", "(d) wagon loaders." Herein also conveyor loaders are not specifically and separately named.

In Para 659 the Majumdar Award states:—

"After blasting and dressing, Coal is loaded by other workers known as loaders. Loaders have traditionally taken empty tubs from the nearest haulage points, to the working place, loaded the tubs and delivered the loaded tubs to the nearest haulage point. This practice is quite common throughout India and was introduced from the United Kingdom very many years ago."

In para 659 it is not mentioned as to how the tub is to be loaded by the workmen known as loaders, whether by shovels or by baskets. No such distinction is made and given.

In Appendix XI to the Majumdar Award, wherein, "Occupational Nomenclatures and Job Descriptions" are given, a "Conveyor" has been described under Item (162), a "Conveyor Nover" under Item (207), a "Loader" under Item (277), but no where a "Conveyor Loader" as such has been dealt with. In item (277) a "Loader" has been described as "A manual worker who only loads coal into tubs or on to conveyors (also known as fillers)"; but herein also the mode of loading, whether by baskets or shovels, is not specifically mentioned and no such distinction has been made.

22. On an analysis of the above internal indications in the original Coal Award and in the Appellate Award of Labour Appellate Tribunal, it is clear (i) that Conveyor Loaders as such have not been specifically and separately dealt with in any of the aforesaid two Awards, simply because they are included under 'loaders' who have been specifically dealt with in Para 126 of the Labour Appellate Tribunal decision; (ii) that these awards made no distinction between a Conveyor Loader who loads by baskets and a Conveyor Loader who loads by shovels, as is clear from para 126 just mentioned, and, (iii) that both of these Conveyor Loaders have been treated as loaders and expressly dealt with in Para 126 of the Labour Appellate Tribunal decision, quoted earlier, irrespective of the manner in which they load coal into Conveyor Belts either by baskets or by shovels.

23. It will appear from the Majumdar Award that one of the items of dispute, which were referred to that Tribunal for adjudication, was, "2(1) Wages of all categories of workers employed in coal mines," including in particular the matters specified in sub-clauses (i) to (iv) of Item No.2(1) contained in Schedule II of the reference. This item of dispute referred makes it clear that the said Tribunal was

asked to consider the wages of all categories of workers employed in Coal mines. which would include also conveyor loaders who load coal by shovels. This inference of mine is supported also by paras 575 and 576 of the Majumdar Award. Para 575 deals with piece-rated workers, and therefore, the Award mentioned therein that:—

"In their case the problem is one of fixing the work-load and assuring them of a wage commensurate with the nature of the work. The main difference between the time-rated and the piece-rated workers is that the latter's wages are directly related to output."

In para 576, referred to also before, the main categories of piece-rated workers are mentioned and they are (a) pick miners, (b) loaders, (c) trammers, and (d) wagon loaders. In Appendix XI of Volume II of the Majumdar Award under "Occupational nomenclatures and Job Descriptions", referred to before also, under item 277 a Loader is described as "A manual worker who only loads coal into tubs or on to conveyors (also known as fillers)". Here, it is not specifically mentioned about the loading of coal by loaders into conveyors by shovels. In para 137 of the Majumdar Award it is mentioned that:—

"In some places conveyor belts are used where coal is loaded by the loaders on to the conveyors which take the coal to the tubs on the main haulage."

In para 53 of the Majumdar Award Mechanical Conveyors are mentioned and therein the total coal conveyed in tons is also mentioned. Shri Singh, on reference to Para 43 of the original Award, showing the production of coal year after year from 1947 upto the end of 1954 and to para 53, showing the coal conveyed by mechanical conveyors, argued that the total coal conveyed by conveyor belts, which are filled by conveyor loaders by shovels, is much less, and therefore, if it is held that para 141 of the Labour Appellate Tribunal decision applies also to conveyor loaders, who load by shovels, they would be earning more than what the conveyor loaders, who load with baskets, would be earning. In other words, Shri Singh indirectly wants clarification cum modification of the award, but I have no power to modify it. Shri Singh relied on paras 133 and 136 of the original Award in order to show that when the coal is blasted, it is then loaded into baskets and carried on head and loaded in empty tubs supplied to them on the nearest tram line level. This fact is not disputed by the Union. But when the Award of Labour Appellate Tribunal has not made any distinction and demarcation between a conveyor loaders who loads by baskets and a conveyor loader who loads by shovels, I do not think I can review the said Award. This apart, these considerations, in my opinion, are not at all material for deciding whether para 141 applies also to conveyor loader, who loads with shovel. Para 13 of the Labour Appellate Tribunal decision defines a loader as "The loader is one who loads coal into tubs or mine-cars or conveyors". Para 44 of the Labour Appellate Tribunal decision, referred to before also, says that the workmen have been divided into ten categories for their pay and this categorisation has been done by consent and each category consists of quite a number of workmen separately designated and having slightly different duties and responsibilities. In Appendix XII of the original Award, where the categories are mentioned, under Category II (Item 53) Conveyor Shifting (Surface); under Category III Conveyor (Item 162); under Category IV Conveyor Fitter (surface) (Item 207); under Category V also Conveyor Mover (Surface) (Item 207); under Category VI Conveyor Mover (underground) (Item 207); are mentioned. These are indications to show that a Conveyor Loader, who loads by shovels, was present in the mines of both the Tribunals, Original and Appellate, and, as none of the Tribunals intended to make a difference, as sought to be made now on behalf of the employers, between a conveyor loader, who loads by baskets, and a conveyor loader, who loads by shovels a loader has been mentioned to include both. This conclusion of mine is re-inforced by Para 126 of Labour Appellate Tribunal decision, read before, that the duty of loaders is to load coal into the tubs, minecars or conveyors.

Another fact which supports this conclusion of mine is that it was admitted by Shri Singh also, as asserted by the Union, that Shri Majumdar, the Chairman of the Tribunal, visited this Girimint Colliery and he saw himself the workings of this colliery, and, therefore, it was rightly urged, on behalf of the concerned workmen, that the Tribunal knew about Conveyor Loaders, who load coal by shovels into conveyor belts, and their case was present in the mine of the Tribunal.

24. Para 126 of the decision of the Labour Appellate Tribunal, reproduced earlier, in my opinion, answers the question under consideration. Paras 126 to 142 appear under the heading 'loaders' in the Labour Appellate Tribunal decision. On reading para 126 along with Para 141 there can be no doubt that the direction contained in para 141 applies not only to Conveyor loaders, who load by baskets, as conceded on behalf of the employers, but also to conveyor loaders, who load by shovels. I find no reasonable ground why it should not apply also to conveyor loaders, who load by shovels.

25. I am unable to accept the argument of Sri Singh that para 141 of Labour Appellate Tribunal decision does not apply to Conveyor Loaders, who load by shovels, and that such workmen are governed by Para 164 of Labour Appellate Tribunal decision read with para 600 of the Majumdar Award.

Para 600, just mentioned, mentions that:

"There are various other categories of piece-rated workers like main drivers, floor cutters, sand loaders, overburden workers etc. in respect of whose workloads no materials have been placed before us..... We accept the suggestion of Sri Kanti Melita and direct that the basic wages, of these other categories of workers be raised in the same proportion....."

Para 164 of Labour Appellate Tribunal decision deals with the basic wages of Pick Miner, and, says that:

"For those piece-rated workers for whom no workloads could be fixed the Tribunal has granted the same percentage increase i.e. 58-1/3 per cent in their basic wage which it had granted to the Pick Miner which includes consolidation of the cash and food grain concessions....."

In my opinion, Para 164 and Para 600, above mentioned do not apply to Conveyor loaders. They are residuary provisions and deal with unspecified categories of other workers as mentioned in Para 600 of the Original Award, in that para 126 of the Labour Appellate Decision specifically deals with all loaders whether they load coal into the tubs, mine cars or Conveyors, Para 126, therefore, deals with all Conveyor Loaders whether they load by baskets or by shovels. In this view, Para 600 of the Award read with Para 164 of the Labour Appellate Tribunal decision, will not govern conveyor loaders who load by shovels. Para 126 of Labour Appellate Tribunal decision is clear and Para 141 read with Para 126 of Labour Appellate Tribunal decision makes the position crystal clear that para 141 applies to all Conveyor Loaders, whether they load coal by baskets or by shovels.

26. I may mention that Shri Singh placed before me some statements of M.W.15 and W.W.6, referred to in Para 180 of the decision of Labour Appellate Tribunal, in order to show that Conveyor Loaders who load coal to Conveyor belts by shovels were not in the picture before the Tribunal. But in my opinion, we have to look to the Award itself based on such and other evidence. I cannot go behind the Award and review it or modify it, even if there be such a contingency, although in the present case there is none.

27. Another objection taken by Sri Singh was to the reference itself on the ground that the reference has become infructuous, because it has been terminated under Section 19(6), in as much as, the Mine Workers' Federation gave notice, as required by Section 19(6), to terminate the award in January 1961, and, therefore, it was submitted that the substratum of the reference has disappeared. In reply, it was contended that the Majumdar Award, as modified by Labour Appellate Tribunal decision, is still in force, because the original award was given on 26-5-1956 and it was modified by Labour Appellate Tribunal on 29-1-1957 and the present dispute was taken up in January 1958, which led to the present reference to this Tribunal on 1-3-1960. It was, therefore argued that before the expiry of a total period of three years, as mentioned in

Section 19(3), the dispute arose, and, therefore, it has not become infructuous and its substratum has not disappeared.

On the above facts, it appears to me that the reference has not become infructuous, because before the award spent its force, the present dispute arose and on the basis of the same the present reference was made. In these circumstances, in my opinion, there is no substance in this objection.

28. Sri Singh took another objection to the effect that according to the written statement of the Indian National Mine Workers' Federation and Colliery Mazdoor Union, Para 141 of the Labour Appellate Tribunal decision is clear, and, there is no ambiguity nor does it give rise to any doubt that may require any clarification, and, therefore, the reference under Section 36A on this ground also has become infructuous. In support of this contention Sri Singh relied on a decision of the Supreme Court in the *Kriloskar Oil Engines Limited Vs. Its workmen* 1962-II Supreme Court Journal 248-1961-I-L.L.J.675, referred to before, in which His Lordship, Gajendragadkar J, speaking for the Court, while pointing out the limitations of the scope of an enquiry under Section 36A of the Act, at page 678 of 1961 II. L.L.J. 675, observed:

"A proceeding contemplated by Section 36A is not a proceeding intended to enable the Tribunal to review or modify its own order; it is intended to enable the Tribunal only to clarify the provisions of its award where a difficulty or doubt arises about interpretation of the provisions."

In my opinion, para 111 rightly raised a doubt about its interpretation as to whether the directions contained therein applied to conveyor loaders, because of the absence of a specific mention of the word 'Conveyor Loader' therein. In this view of the matter, I think the present reference under Section 36A was rightly made.

29. For the reasons given above, on the awards as they are and on the facts and circumstances placed before me, I hold that Para 126 of the decision of the Labour Appellate Tribunal is clear and unambiguous, and, therefore, quite clearly, the directions contained in para 141 of the Labour Appellate Tribunal decision are applicable not only to Conveyor Loaders, who load coal by baskets, as is the case of and as is admitted by the employers, but also to those conveyor loaders, who load coal by shovels, on to the conveyor belts, and, that there is no difference between them, and that none of the two awards has made such a distinction or classification, as tried to be made out by the employers.

30. The result, therefore, is that the reference is answered in the affirmative in favour of the workmen concerned by holding that the directions contained in Para 141 of the said decision of the Labour Appellate Tribunal are applicable to the Conveyor Loaders, whether they load coal on to the conveyor belts by basket or by shovels.

31. This is the award which I make and submit to the Central Government under Section 15 of the Act.

CAMP PATNA.

The 7th March, 1963.

(Sd.) RAJ KISHORE PRASAD.

Presiding officer, Central Govt. Industrial Tribunal,
Dhanbad.

P. R. NAYAR, Under Secy.